



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

v. *Stevenson*, 104 Iowa 50, 73 N. W. 360. The court, determining that this statute permitted involuntary servitude for an offense not adjudged a crime, held it to be in violation of the Thirteenth Amendment and therefore unconstitutional. See 11 MICH. L. REV. 159.

CONSTITUTIONAL LAW—REFERENDUM AS POLITICAL QUESTION.—Whether or not a state has ceased to be republican in form within the meaning of the guaranty of United States Constitution, Article 4, Section 4, because it has made the referendum a part of the legislative power, is not a judicial question, but a political one, which is solely for Congress to determine. *State of Ohio ex rel. Davis v. Hilderbrant* (1916), 36 Sup. Ct. 708.

It will be noticed that the Constitution does not itself define the term "republican form of government." It has, however, always been an accepted rule of construction that technical and special terms used in the Constitution are to be given that meaning which they had at the time that instrument was framed. Turning to history contemporary with the framers of the Constitution and recalling their love of liberty and desire for the fullest political freedom, is it not probable that the phrase "republican form of government" was used as a guarantee against any monarchical rule that might threaten a state rather than as a denial of a free and unhampered democratic form of government? The political philosophy of many of the framers favored a centrifugal as opposed to a centripetal system and a consequent desire that as much power should be left in the people as was compatible with a representative system of government. Judge COOLEY on page 45 of his *Constitutional Limitations* (7th Edition) states that the purpose of this guarantee is to "protect a Union founded on republican principles, and composed entirely of republican members, against aristocratic and monarchical innovations." But whether the adoption of the referendum by the citizens destroys the republican form of government in the state is a political question. *Pacific States Telephone & Telegraph Co. v. Oregon*, 223 U. S. 118, 56 L. Ed. 377, 32 Sup. Ct. 224. Political questions are to be determined by Congress. *Luther v. Borden*, 7 How. 1, 12 L. Ed. 581; *Neely v. Henkel*, 180 U. S. 109, 45 L. Ed. 448, 21 Sup. Ct. 302; *Riverside County v. San Bernardino County*, 134 Cal. 517, 66 Pac. 788; *Parker v. State*, 133 Ind. 178, 32 N. E. 836, 33 N. E. 119, 18 L. R. A. 567. The only difficulty about the question seems to arise from a failure to realize that the legislative duty of determining the political questions involved in deciding whether or not a government is republican in form is entirely different and separate from the judicial power and duty of upholding and enforcing, whenever it becomes necessary in a controversy properly submitted, the applicable provisions of the Constitution as to each and every exercise of governmental power.

CORPORATIONS—CORPORATION AS PLAINTIFF IN ACTION FOR LIBEL.—X Navigation Co., a corporation, charges in one count that D caused to be published in a newspaper the statement that X Navigation Co. had unfairly discriminated in freight and passenger rates, a statutory offense punishable by a heavy fine; and on the second count charges a signed statement by D in a news-